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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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8 UNITED STATES OF AMERICA,

Case No. 2:13-cr-00304-JCM-CWH

9 Plaintiff,

ORDER

10 v.

11 CHAD HENRY LOFTIN,

12 Defendant.
13

14 Presently before the court is the case of *U.S. v. Loftin*, case number 2:13-cr-00304-JCM-
15 CWH.

16 On May 3, 2017, petitioner filed a motion to voluntarily dismiss his pending § 2255
17 motion to vacate. (ECF No. 130). The motion cites Federal Rule of Civil Procedure
18 41(a)(1)(a)(i) and the Rules Governing Section 2255 Cases, Rule 12. As the government had not
19 yet filed an answer or response to the pending motion at the time petitioner filed its motion for
20 voluntary dismissal, petitioner is entitled to voluntarily dismiss the motion.

21 Accordingly,

22 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that petitioner's motion for
23 voluntary dismissal (ECF No. 130) be, and the same hereby is, GRANTED.

24 IT IS FURTHER ORDERED that petitioner's motion to refer ruling on his motion to
25 vacate (ECF No. 129) be, and the same hereby is, DENIED as moot.

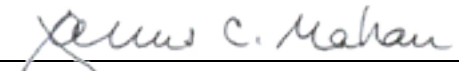
26 IT IS FURTHER ORDERED that petitioner's motion to vacate, set aside, or correct
27 sentence under 28 U.S.C. § 2255 (ECF No. 128) be, and the same hereby is, DENIED without
28 prejudice as moot.

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IT IS FURTHER ORDERED that petitioner's abridged motion to vacate (ECF No. 127) be, and the same hereby is, DENIED without prejudice as moot.

The clerk shall close the related civil case (2:16-cv-01426-JCM).

DATED THIS 20th day of April, 2018.



JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE